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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,451	06/24/2003	Steve Thorne		9357

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EXAMINER

BEAULIEU, YONEL

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/602,451		THORNE, STEVE	
	Examiner		Art Unit	
	Yonel Beaulieu		3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claims 2 – 6 and 8 – 10 are objected to because of the following informalities: under MPEP, §608.01(m), each claim must end with a period – see *Manbeck v. Frescola*. Appropriate correction is required.

Also, in claim 7, it is suggested to change “roadspeed” (line 16) to - -road speed- -.

Claim Rejections - 35 USC § 112

Claims 1 – 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 7, “a radar device mounted integrally with a vehicle” is readily understood. Which vehicle is the device mounted on? The trailing vehicle or a vehicle that would be forward of that trailing vehicle?

Also, in claim 1, is the “computer processing unit” (line 9) the same as that of line 8?

Any claims linked to claims 1 and 7 are necessarily rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 7, 9, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto (US 5,865,265).

Regarding claims 1, 2, and 7, Matsumoto teaches a radar activated device of a vehicle trailing another vehicle comprising a radar device (1; figs. 1, 4, 7, and 8) integrated with means (2) to measure the speed of forward and relative speed and further transmit the speed to a computer processing unit (3) (note col. 3: 1 – 21 and col. 6: 55 – 64 at least), the processing unit comparing information using a set of criteria pertaining to traffic speed and initiate a response (col. 3: 5 – 12; col. 5: 3 – 11; and col. 6: 59 – 67 at least); and a display (6) controllable by the processing unit (3) and visible to the operator of the vehicle (see figs. 1, 4, 7 and 8).

Regarding claims 4 and 9, Matsumoto further teaches a warning light (generated alarm displayed via 6; see fig. 1 at least) controlled by the processing unit (3) mounted in the cab (not explicitly shown) of the radar equipped vehicle (col. 3: 12 – 15).

Regarding claims 5 and 10, Matsumoto's device further comprising acoustic means (speaker 5) for alerting the operator of the radar-equipped vehicle (col. 3: 12 – 15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto ('265) as applied to claims 1 and 7.

As discussed above, Matsumoto teaches all of the limitations except for making the display a *blue colored light*.

However, it has not shown that a blue display solves any stated problem in the art or is for any particular purpose. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention Matsumoto's display is equivalent in achieving the same end result of alerting the vehicle operator.

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Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto ('265) as applied to claims 1 and 7 above, and further in view of Stopczynski et al. (US 6,420,996 B1).

As discussed above, Matsumoto teaches all of the limitations except for the use of GPS technology.

However, Stopczynski teaches, in the same field of endeavor of radar activated mechanism for a vehicle, using GPS technology (see figs. 4 – 6; col. 5: 25 – 35 and col. 6: 1 – 8 and 45 – 51 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsumoto's teaching by using GPS technology in order to enhance collision avoidance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on M-R, from 0900-1600.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (703) 305-8233. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Y. BEAULIEU
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6/23/04


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PRIMARY EXAMINER